



**INQUESTS INTO THE DEATHS RESULTING FROM THE HILLSBOROUGH
STADIUM DISASTER**

**RULING AS TO THE LOCATION OF THE INQUESTS FOLLOWING THE
PRELIMINARY HEARING ON 25 APRIL 2013**

WHERE THE INQUESTS SHOULD BE HELD

The issue

1. Since the repeal of section 5(2) of the Coroners Act 1988, there is no absolute legal requirement for the inquests to be held in any particular geographical area. The decision is a matter of discretion and something to be resolved having regard to all the facts and all the interests involved in the inquests.
2. Mr. Mansfield QC, who represents 71 of the families of those who died at Hillsborough, submitted at the first preliminary hearing on 25 April 2013 that the main inquest hearings should be held in London. Mr. Weatherby QC, supported by Mr. Foley and Ms Gallagher, representing between them 23 families, submitted that they should take place at a location in the North West, although not Liverpool or Manchester. That is the issue I have to decide. In making my decision, I have taken into account the oral and written submissions of all interested persons who have expressed a view on the subject.

Mr. Mansfield's submissions

3. Mr. Mansfield explained that from the beginning his clients have expressed a preference for London. They did so at a large meeting in December 2012 when over 100 different family members were present. That was before the Divisional Court had ruled on the section 13 application under the Coroners Act 1988 and quashed the verdicts of the previous inquests. The discussion then was between Liverpool and London. There was a wish to avoid any place which might have the taint of partiality to it. London was the overwhelming choice.
4. Following the statutory review, there were more meetings. Mr. Mansfield's solicitor has seen every single family or its representative (of the 71). There was another large meeting (although unlike at the first, Mr. Mansfield was not there). Discussion was more focussed. Liverpool did not feature. Again, there was an overwhelming vote in favour of London. As Mr. Mansfield put it in argument, the principal reason was a risk of actual or perceived prejudice if the inquests were held outside London at any of the possible locations in the North West (or the North East). He alluded to regional rivalries. There was, he said, a fear that false publicity regarding the causes of the disaster might have an influence at any of those locations.
5. In short, inquests in London would be, and would be perceived to be, objective.
6. Secondly, Mr. Mansfield submitted that London would have the ideal facilities to cope with the inquests. He cited Central Hall, Westminster as an example. Many large inquests or inquiries have been held in London. It is likely to be cheaper and quicker to make use of a London facility.
7. Thirdly, Mr. Mansfield submitted that once it is accepted that Liverpool is not an option, travel links suggest London. Not all the families live in or near Liverpool. Many witnesses will be coming from South Yorkshire. London would be more easily accessible than locations in the North West, especially by rail. For those of advanced

age, once Liverpool is rejected, it is as easy to travel to London as to somewhere in the North West.

8. Fourthly, the Government has agreed to pay travel and subsistence for the families.
9. Fifthly, for those who do not wish to come to and/or stay in London, there would always be a video-link so that anyone who wished could follow the inquest proceedings in a court in Liverpool.
10. Finally, Mr. Mansfield submitted that holding the inquests in London would reflect the national and international consideration and interest which they have attracted. Allaying rumour and suspicion will be important. So too will uncovering any systemic problems. Findings regarding these aspects should be publicly exposed and reported upon. Most of the national media is based in London. London is easy to get to. Having the inquests in London would generate the right level of publicity.

The submissions to the contrary

11. Mr. Weatherby QC made it plain that the families he represents are “vehemently against the inquests being held more than 200 miles from their homes.” He submitted that the issue of venue is of crucial importance. It will determine the accessibility of the proceedings to the bereaved, the survivors and others, and their engagement with them.
12. Mr. Weatherby firstly submitted that the presumption should be that inquests take place in a location which is most convenient to the bereaved and other interested persons and witnesses. He drew attention to the recent Ministry of Justice consultation document on the implementation of Part 1 of the Coroners and Justice Act 2009 which, among other things, asserts that, “...we would not expect bereaved people to have to travel long distances to attend inquest hearings.” There should be as much local justice for inquests as there is for criminal and civil litigation. A location within reasonable daily travel by public transport from Merseyside should be chosen.

As examples, Mr. Weatherby suggested places such as Chester, Crewe, Preston and Warrington.

13. There are a whole host of towns within reasonable travelling distance of Liverpool which are distinct from it. There would be no problem, actual or perceived, in holding the inquests in any of them.
14. Secondly, there would be many facilities available in the North West at which to hold the inquests. They would be every bit as good as those in London.
15. Thirdly, it would not be practicable for many family members or survivors to attend if they had to travel long distances to do so. It would be impossible to commute between Liverpool and London. That would mean families having to stay overnight, perhaps for extended periods. A significant number of family members are infirm and/or have family and/or work commitments. Staying in London for those families would often not be an option. Mr. Weatherby gave some specific examples.
16. Fourthly, some families have said that the proceedings will be traumatic. They would want to be at home with their own family at night. They would not have their support network if they were many miles from home in a hotel in London. Mr. Foley emphasised that point.
17. Fifthly, there would be costs issues with London. The bereaved would probably have to meet some expenses even though there had been offers of some limited provision for them. Survivors of the disaster who might wish to attend had no guarantee that their expenses would be met.
18. Sixthly, a video-link to Liverpool, while an effective compromise for the pre-inquest hearings, would not be appropriate for the inquests themselves. Mr Weatherby stressed that much would be missed by the distant viewer, including a full impression of body language of witnesses and the opportunity to interact with others (including legal teams).

19. Seventhly, as to national and international interest, Mr. Weatherby made the point that the North of England has comparable infrastructure and facilities to those in London.
20. In short, Mr. Weatherby submitted that although Hillsborough has attracted public interest nationally, it would be particularly inappropriate to hold the inquests over 200 miles away from the area where most of the families still live. It was a disaster and tragedy which occurred in the North. Almost all the interested persons, survivors and the vast majority of witnesses live and are based in the North. There is an interested local community in the North West. If the inquests are held far away from where the bereaved families and the survivors live, many will be deprived of engaging properly with them. So too will many of the local community. There are no proper reasons for transferring the inquests hundreds of miles away. While there were reasons for excluding Liverpool and Manchester from consideration, it was not right to rule out the remaining towns and cities in the North West region.

My conclusion

21. I am conscious that Mr. Mansfield represents a majority of the bereaved families. However, as he accepted, the fact he does so does not mean that I should automatically accede to his submissions. It seems to me I must stand back and dispassionately assess the different arguments put forward.
22. The inquests will, on any view of scope, have to deal with many topics. That will take some time. The hearing is bound, it seems to me, to take several months. If it is held in London, those who wish to follow it in person will be away from home and living in hotels for a long time. It is plainly not a practicable solution for someone to commute from Liverpool or the North West on a daily basis.
23. In the ordinary course of events, inquests can be expected to take place at a location which is most convenient to the bereaved and other interested persons and witnesses. In this case it is reasonably to be expected that these inquests will also attract considerable and justifiable interest both from survivors and the local community

more generally. On the face of it, for people who in the main live in and around Liverpool, London would not be the most convenient location. For a significant number of people, it would be problematic. I cannot see how anyone with work or caring responsibilities can spend long periods away from home in a hotel in London. On the other hand, such a person, if he or she can return home in the late afternoon or early evening, might be able to make arrangements to spend at least some time at the inquests. Mr. Weatherby gave the example of one of his clients who works shifts which could be arranged to fit in with attending the inquests.

24. For those who are older or unwell, travelling to London and staying away from home for prolonged periods of time would not be comfortable or easy. I can understand too, that spending the day at an inquest hearing which will inevitably be emotionally distressing or draining and returning at night to a hotel away from the support of one's family could add to the pressure. These aspects might well put some people off coming in the first place.

25. Video-links are second-best. For someone directly affected by the events at Hillsborough or with a particular interest in them, direct attendance at the inquests is better, as Mr. Weatherby submitted.

26. While I well understand how the families represented by Mr. Mansfield have come to the view they have, they are in my view unnecessarily concerned. I will take each of Mr. Mansfield's points in turn.

27. I have no doubt that a location can be found in the North West without the risk of actual or perceived prejudice. If there is a jury, those of us with experience of them know perfectly well that with proper and clear directions they soon put behind them anything they may have read or thought and concentrate on the evidence before them. If I were to sit on my own, there would be no question of actual or perceived prejudice. Moreover, I am not at all sure why a jury in London, many members of which will have read or seen television programmes about Hillsborough, should have more or less actual or perceived prejudice than one in a town or city in the North West.

28. As to facilities, there is no reason why excellent facilities cannot be identified in the North West. London is not the only place in which a large inquest hearing can be accommodated.
29. While of course travel links to and from London are excellent, an accessible location can surely be found in the North West. Mr. Weatherby's research has suggested that the possible locations he has proposed would, first, be commutable from Liverpool and, second, be more readily accessible from South Yorkshire than London.
30. Finally, I have no doubt that the national (or international) profile of the disaster can be reflected by holding the inquests in the North West. However, to reflect the concern of the families that a hearing outside London might not be seen as sufficiently reflecting the importance of Hillsborough in all its aspects, I would not rule out a video-link to London.
31. In short, I have concluded that it would be right for the inquests to be held in the North West. It would not be helpful further to identify a location at this stage. I should observe, although this is very much a provisional view, that it does presently seem to me that Chester may be a little too close to Liverpool. However, the search will immediately begin to locate suitable premises in the North West.
32. As to the hearings before the inquests proper start, at least until the selection and fitting out of a suitable venue in the North West, they will continue to take place in London.

Lord Justice Goldring

2 May 2013